

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

U.S.A. vs. Rodney Roberto Wallace

Docket No. 4:92-CR-70-3

Petition for Action on Supervised Release

COMES NOW John A. Cooper, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Rodney Roberto Wallace, who, upon a finding of guilt to 21 U.S.C. § 846, Conspiracy to Distribute Cocaine Base, 18 U.S.C. § 371, Conspiracy to Possess Firearms During a Drug Trafficking Crime, and 2 counts of 21 U.S.C. § 856, Maintaining a Dwelling for Distribution of Cocaine Base, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on March 22, 1994, to the custody of the Bureau of Prisons for a term of 292 months. On September 3, 1997, pursuant to Rule 35, the Court reduced the term of imprisonment to 235 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional condition:

1. The defendant shall not use or possess any controlled substances.

Rodney Roberto Wallace was released from custody on May 30, 2008, at which time the term of supervised release commenced. On February 8, 2010, supervision was transferred to the Middle District of NC, where he is currently supervised by Sr. U.S. Probation Officer Cole N. Masear.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

Sr. USPO Masear submitted a letter on December 27, 2011, reporting violations incurred by Mr. Wallace since his transfer of supervision. It was reported that on May 6, 2011, Wallace was charged with Assault on a Female, which was later dismissed. On July 24, 2011, Wallace was charged with Assault on a Female, Assault with a Deadly Weapon, and Violating a Domestic Violence Restraining Order. He was found not guilty of these charges. Furthermore, on July 19, 2011, Wallace tested positive for use of marijuana. He admitted using marijuana on July 12, 2011. All urine screens since that date have been negative. On December 13, 2011, Wallace met with Sr. USPO Masear and Supervising U.S. Probation Officer Mike Barr for an Administrative Hearing. It was recommended and agreed that Mr. Wallace should be placed on a 90 day term of location monitoring to address his noncompliance and allow him to remain on supervision. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 90 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The defendant shall pay for electronic monitoring services as directed by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

/s/ John A. Cooper
John A. Cooper
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-815-4857
Executed On: January 10, 2012

ORDER OF COURT

Considered and ordered this 10 day of January, 2012, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle
Terrence W. Boyle
U.S. District Judge